

Message Text

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ACTION SCSE-00

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FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 2092

UNCLAS NEW DELHI 4149

E.O. 11652: N/A
TAGS: CASC (CHOHAN, KARMINDER AND GURNAMINDER)
SUBJECT: W/W: KARMINDER AND GURNAMINDER CHOCHAN

REF: A STATE 054689 B DELHI 2540 AND PREVIOUS

1. EMBASSY UNABLE ASCERTAIN BY TELEPHONE IF CHOCHAN CHILDREN STILL IN INDIA AS NUMBER GIVEN BY FATHER WHEN CONSOFF VISITED PATIALA PROVED TO BE FALSE. FATHER KARMINDER CHOCHAN AND HIS FRIEND JOANNA DID NOT CALL AT EMBASSY TO REGISTER AS PROMISED (REFTEL B). CONSOFF PLANS SECOND VISIT TO PATIALA WEEK OF MARCH 28 AND WILL AGAIN CALL AT CHOCHAN HOME TO DETERMINE WELFARE/WHEREABOUTS OF CHILDREN.

2. EMBASSY LEGAL ADVISOR STATES SUBJECT OF GUARDIANSHIP AND CUSTODY IS CONTAINED IN GUARDIANS AND WARDS ACT OF 1890 AS AMENDED AND THAT ACT CONTAINS 53 SECTIONS. HE IS NOT IN POSITION TO ADVISE ON PRIVATE LEGAL MATTERS AND SUGGESTS MRS. CHOCHAN CONTACT LOCAL ATTORNEY DIRECTLY IN ORDER PURSUE HER PARTICULAR CASE.

3. MRS. COHAN SHOULD BE ADVISED HOWEVER THAT INDIAN COURT CUSTOM GENERALLY IS TO CONSIDER CHILDREN UNDER FATHER'S GUARDIANSHIP NO MATTER WHAT NATIONALITY THEY HAVE ACQUIRED. IT IS MOST RATE THAT A MOTHER WOULD BE AWARDED CUSTODY. THIS IS PARTICULARLY TRUE IF THE MOTHER IS FOREIGN. LONGTIME FOREIGN RESI-

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DENTS OF NEW DELHI HAVE ADVISED CONSOFF THAT IN COURT CASES OF THE PAST WHICH THEY ARE AWARE OF, THE FOREIGN MOTHER HAS ALWAYS LOST HER CASE. IT IS THEREFORE DOUBTFUL THAT A TRIP TO INDIA BY MRS. COCHAN WOULD BE HELPFUL IN ATTEMPTING REGAIN LEGAL CUSTODY OF HER CHILDREN. SCHNEIDER

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